

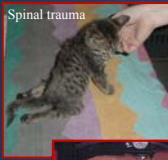


apaac summer conference, 2014
PROSECUTION OF FELONY ANIMAL CRUELTY



CHARGING CRUEL MISTREATMENT AND NEGLECT

CRUEL MISTREATMENT



Hitting, punching, tormenting, kicking.
Burning or stabbing.
Gunshot or pneumatic weapon injury.
Poisoning.
Drowning or suffocation.
Use of deadly weapons/dangerous instruments



CRUEL NEGLECT



"Cruel neglect" is defined as a failure to provide an animal with necessary food, water or shelter. Serious physical injury is required for a felony

ARS § 13-2910

- Cruel Mistreatment = intentionally or knowingly = torture or otherwise inflict unnecessary serious physical injury or to kill an animal in a way which causes protracted suffering to the animal.
- Cruel Neglect = intentionally or knowingly fails to provide an animal w/ necessary food, water or shelter
- What does necessary or unnecessary mean?

PHYSICAL INJURY

- ARS § 13-105:
- Impairment of physical condition
- Serious Physical Injury: physical injury that creates a reasonable risk of death, or that causes serious and permanent disfigurement, serious impairment of health or loss or protracted impairment of the function of any bodily organ or limb
- Hot car cases — even not-death cases may involve long term health consequences
- Other forms of exposure

Mistreatment Questions

- If an injury, is it serious? Obviously, if the victim died.
- How and who inflicted it?
- Was it necessary? Is this motive?
- Allegation of dangerous nature
- Like any other violent crime





Neglect Questions

- If lack of food, water or shelter, did serious physical injury or death result?
- What evidence is needed to answer this question?
- How did this happen? Did someone (who?) just forget?
- Who, in a household, is responsible?

Neglect Questions

- Disease or lack of food and water or proper shelter?
- If disease, was there veterinarian treatment?
- If no treatment, was there protracted suffering?
- Does it matter why there was no treatment?
- What about common parasites?



2nd & 3rd Degree Burns

One month later

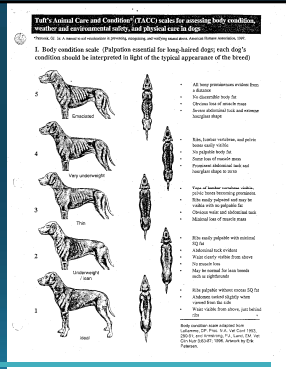
SUNBURNED PUPPY



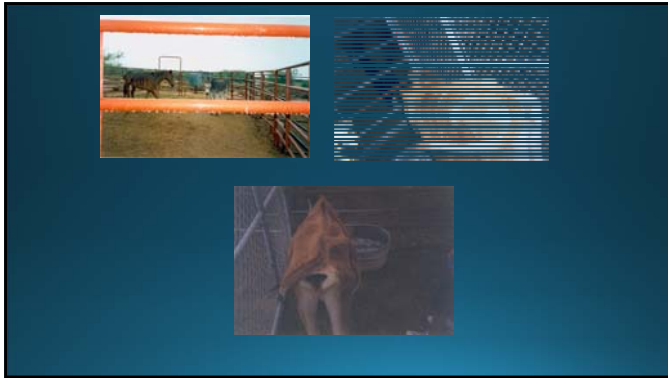


TUFTS SCALE

- ☐ Emaciated
- ☐ Very Underweight
- ☐ Thin
- ☐ Underweight/Lean
- ☐ Ideal







Title 3 - Livestock

- ARS 3-1307 – class 5 felony to kill livestock belonging to another
- ARS 3-1311 – ok to kill dogs who have attacked or killed livestock
- Livestock is defined as cattle, equine, sheep, goats and swine; equine include horses, mules, burros and asses. ARS 3-1201
- ARS 3-1721 – Livestock officers may seize equine who are victims of cruelty/neglect; provisions for forfeiture

VETERINARIANS

- Diagnosis – existing physical consequences of custodian's conduct
- Pain and suffering
- Treatment options
- Standards of care for animals in "hospice", "unnecessary"
- Accepted methods of "euthanasia", "unnecessary"
- Prognosis and recovery with treatment/rule out veterinary/congenital causes
- Identify congenital/breeding deficits in puppy mill cases
- "necessary" food, water, shelter
- Necropsy - cause and manner of death

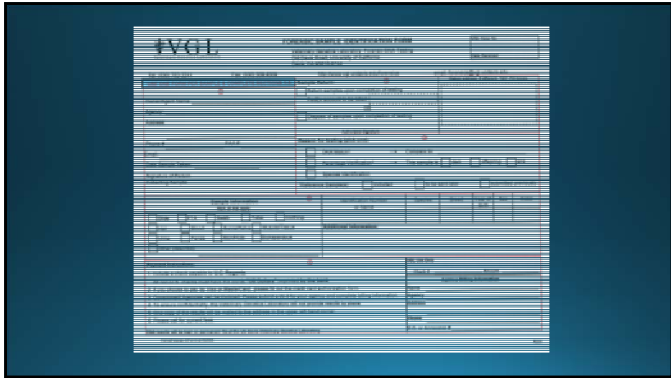
ARS 32-2239 –Veterinarians' Duty to Report

- Reasonably suspects or believes that abuse, cruelty or neglect or animal fighting must report to law enforcement w/in 48 hours: includes breed and description; name/address of person who sought treatment/owner
- If it involves livestock, the complaint must be made to Dept of AG.
- Records shall be provided to law enforcement upon request

Domestic Violence

- ARS 13-3601 – Animal Cruelty/Neglect which results in Serious Physical Injury is now included as a crime of domestic violence
- ARS 13-3602 E (7) permits a Petitioner seeking a DV Order of Protection to request sole custody of an animal and an order to keep the Respondent from having any contact with the animal ; committing any acts forbidden under ARS 13-2910 and/or disposing of the animal in any way





WHO IS YOUR VICTIM?

- Name the animal in your indictment (or identify by kennel card #)
- Owner
- Defendant’s family
- Defendant’s significant other in DV cases
- Who get’s victims’ rights notices?
- Meeting them

SAFE HAVENS

- Against Abuse, Inc- La Casa de Paz in Casa Grande
- A New Leaf – Mesa
- Time Out DV Shelter – Payson
- Arizona Humane Society Project Safehouse – Phoenix
- Safe-T Program – Page Regional DV Services
- MCAO M.A.S.H Unit TLC Program
- Humane Society of Southern Az. Safe Haven Animal Foster Care Program – Tucson
- The Last Resort, Inc - Vail

JUVENILE OFFENDERS

- "street" dog fighting
- Sexual assaults
- 30% of those who commit intentional animal cruelty are juveniles
- Witnessing acts of animal cruelty is a major predictor of future violent behavior against people and animals
- Committing acts of animal cruelty and firestarting = 83% will commit future acts of violence
- what else is going on in that household
- Therapeutic intervention is most helpful here

Charra was sprayed with WD-40 and set on fire by a juvenile who shortly thereafter molested a 13 year old girl. She had 2nd and 3rd degree burns.







CHARGING HOARDING/PUPPY MILLS

- All forms of neglect are present; difference is in the "motive"
- 3 kinds of hoarders: 1) "overwhelmed caregiver"; 2) "rescue" hoarder; and 3) "exploitive hoarder"
- All hoarders would like be seen as the first type. Most are not. Those who are will more readily respond to help and agree to give up animals and spay/neuter them.
- The other 2 will not. They are blind to the conditions and the suffering. They require prosecution and supervision or they will just keep doing it.

Charging Hording/Puppy Mills

- The veterinary condition of each animal
- Failure to obtain veterinary care
- Possible fraud/scheme for misrepresenting condition/pedigree of the animal sold

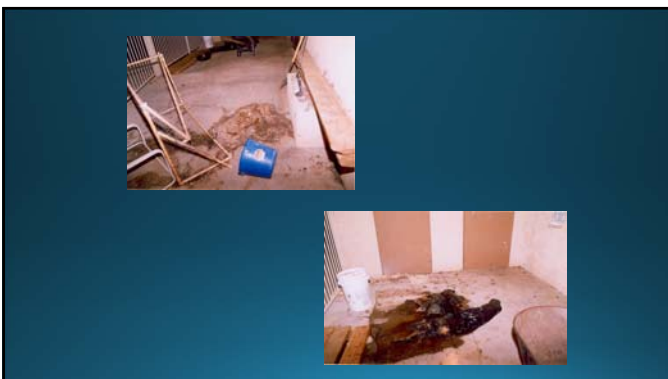












PUPPY MILLS

- Typically smaller breeds of dogs which are caged up all the time with no grooming or veterinary care. Cages are rarely cleaned and are usually stacked one upon another to maximize space and numbers.
- The conditions are equivalent or even worse than those in hoarding cases.
- Primary motive is profit.
- Buyers are never permitted to see the premises
- Kennel licenses can be an issue

Title 12

- ARS § 12-1011—

Liability of owner to political subdivision for Animal Rescue costs if owner has been convicted of a violation of ARS § 13-2910

